

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

STATE OF MICHIGAN, ET AL.,)	
)	
Plaintiffs,)	
)	
GRAND TRAVERSE BAND OF OTTAWA)	
AND CHIPPEWA INDIANS,)	
)	
Intervenor-Plaintiffs,)	
)	
v.)	
)	Case No. 1:10-cv-04457
UNITED STATES ARMY CORPS OF)	
ENGINEERS, ET AL.,)	Hon. Robert M. Dow, Jr.
)	
Defendants,)	
)	
CITY OF CHICAGO, COALITION TO SAVE)	
OUR WATERWAYS, and WENDELLA)	
SIGHTSEEING COMPANY, INC.,)	
)	
Intervenor-Defendants.)	
)	

UNCONTESTED MOTION TO SUPPLEMENT THE RECORD ON APPEAL

The State of Michigan, by and through its Attorney General Bill Schuette, the State of Wisconsin, by and through its Attorney General J.B. Van Hollen, the State of Minnesota, by and through its Attorney General Lori Swanson, the State of Ohio, by and through its Attorney General Mike DeWine, and the Commonwealth of Pennsylvania, by and through its Acting Attorney General William H. Ryan, Jr., move pursuant to Federal Rule of Appellate Practice 10(e)(2)(B) to modify the record in this matter to include the attached exhibits.

Plaintiffs filed a Motion for Preliminary Injunction in this Court on July 19, 2010. Hearings on the Plaintiffs' motion were held on September 7, 8, and 10, 2010, during which a

total of 13 exhibits offered by the Parties were admitted into evidence. A 14th proposed exhibit was offered by Defendant Coalition to Save Our Waterways. Plaintiffs objected to the admission of that exhibit, but there was no ruling on its admissibility.

The Court denied Plaintiffs' Motion for Preliminary Injunction on December 2, 2010, and Plaintiffs subsequently filed a Notice of Appeal from that Order on December 16, 2010. A review of the Civil Docket transmitted to the Seventh Circuit indicates that the attached exhibits had not been included as part of the record on appeal.

Federal Rule of Appellate Procedure 10(a)(1) provides that the record on appeal shall include the original papers and exhibits filed in the District Court. The exhibits offered during the hearings in this matter were apparently inadvertently omitted from the District Court file.

Federal Rule of Appellate Procedure 10(e)(2)(B) provides that, if anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded by the District Court before or after the record has been forwarded.

This motion is uncontested. The Parties agree that Defendant Coalition to Save Our Waterways' Exhibits 1 and 2 and Proposed Exhibit 3, Defendant United States Army Corps of Engineers' Exhibits 1-7, Defendant Metropolitan Water Reclamation District of Greater Chicago's Exhibits 1 and 2, and Plaintiffs' Exhibits 1 and 2 (attached to this motion) should be filed with the District Court and transmitted as part of the record to the Seventh Circuit Court of Appeals.

Request for Relief

For the reasons set forth above, the Plaintiff States respectfully request that the Court order that the exhibits attached to this Motion be filed with the District Court Clerk, certified, and forwarded to the Seventh Circuit Court of Appeals as part of the record on appeal.

Respectfully submitted,

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January 18, 2011

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